

Breaking the Binary

“Shay. They/them.”

That was Shay’s simple Tinder bio. Tinder could be a minefield for non-binary people like Shay. Despite expanded selections for sexual orientation, Shay had to choose whether to see ‘men,’ ‘women,’ or ‘everyone’ as potential matches. And despite expanded selections for gender identity, Shay still had to choose whether to show up to others as a ‘man’ or a ‘woman.’ The selections changed nothing about how the app worked; instead, they just added a more formal-looking process for deciding whether or not to display sexual orientation and gender identity on a bio, which Shay chose not to do.

It took a few months of avoiding uncomfortable questions and getting ghosted, but eventually Shay found a match they were willing to meet, someone with a bio with similar simplicity: “Rebecca. She/her. Bisexual/pansexual.”

The two new acquaintances shook hands and sat down at a brewery for their date. Rebecca briefly mentioned her work with autistic kids. Shay had a lot to say about the past three months at their first post-grad job at a tax firm.

“Sorry, I talk a lot,” Shay said several times. “Theater kid, debate club- I have no idea when to shut up.”

As Shay talked, they took note of the qualities Rebecca had: she was a very good listener, she asked incredible questions, she was reasonable, she was curious, she was humble. She and Shay shared several interests and were genuinely intrigued by passions that differed. Eventually, Shay felt comfortable and trusting enough to open up the conversation on gender.

Rebecca had educated herself on the terminology mostly through online research. To be transgender is to have a gender identity that differs what you’re assigned at birth. To be non-binary is to not identify as a man or a woman, or as only one of them. To have gender dysphoria is to have a discomfort in the body or social role of the sex you were assigned at birth.

Shay identified as transgender non-binary, used ‘they/them’ pronouns, and felt gender dysphoria. However, some non-binary people don’t use ‘transgender’ – due to the association with a binary transition to and from male and female –, some don’t go by ‘they/them’ pronouns, and some don’t feel gender dysphoria.

Shay shared a bit about their experience growing up, coming out in college, and recently beginning to wear binders to flatten their chest.

Rebecca asked, “Do you feel pressure to act against masculine and feminine stereotypes? Or maybe between them?”

“Yeah. Both.” Shay opened their mouth to begin a lengthy elaboration but instead decided to ask, “Do you feel pressure to decide who you’re attracted to?”

“Oh yeah,” Rebecca said. Shay finally gave her some time to talk, intrigued by a perspective they hadn’t thought much about before.

“Anyway, looks like we’re both breaking the binary norms,” Rebecca said with a chuckle, and Shay smiled. Rebecca continued, “One of the hardest things for people to understand is that I want biological children, but I don’t want that to dictate who I date.”

Suddenly, Shay’s wallet felt ten times lighter in their back pocket. One of their reoccurring issues in dating cis women was the financial cost of wanting children someday. There was a range of adoption opportunities, but IVF was expensive. Shay had just gotten their first apartment, started budgeting for paying off student loans, and desperately wanted to feel financially stable.

“How do you, uh, feel about that?” Rebecca asked, the sun setting behind her.

Shay had enjoyed the past few hours immensely, and the past few hours felt much more important than some probably unlikely future problem.

Therefore, Shay nodded, smiled, and said, “I’d like to hear more.”

Shay and Rebecca talked for several more hours. A second date followed, and a third. They became exclusive and then the increasingly-less-important Facebook official.

The time came for lease renewal on the house Shay was renting with two roommates. Shay wanted to ask Rebecca to move in, but that was a big step towards an expensive future, and Shay’s apprehension wasn’t helped by the increasing consideration of top surgery. With a high deductible health plan, top surgery would cost thousands of dollars before insurance covered the rest. Some trans and/or non-binary people didn’t experience chest dysphoria, but Shay did. And with every passing day, Shay’s choice between binder or no binder – rib and chest pain or dysphoria – became more agonizing. Shay felt they could no longer pass on the chance at a flat chest.

“I absolutely support whatever you decide to do,” Rebecca said, fingers interlocked with Shay’s.

“Insurance covers a lot of it, which is amazing. You’ve built up your HSA. And if it’s going to make you happy, then it’s worth every penny.”

The last of Shay’s doubts melted away. They pulled their hand back to reach into their pocket and asked, “Will you take care of me during my recovery?” They drew out a freshly cut house key, and Rebecca proceeded to gasp, beam, and say ‘yes’ a million times.

Shay got top surgery soon afterwards. The first time the dressing came off, Shay was in shock. They had a moment of overwhelming vulnerability, seeing a part of them removed that before had been such a defining marker of their identity. It was jarring, the feeling of a true sense of euphoria and alignment.

It was worth it, but it was one step back from the financial freedom Shay desired, which made a future with Rebecca that much harder to think about. The idea of kids kept creeping into their mind. And one night, Shay could no longer avoid the subject. They brushed some clothes off the couch to sit down with their roommate, Ella. “Rebecca wants to propose,” Shay said, elated and terrified by the discussion with Rebecca earlier that day. “But I still have to wrap my head around her doing IVF. It’s insanely expensive, even if we get lucky and only have to do one cycle. We both have stable jobs, but we also still have debt we’re trying to pay off. We need to find a place to live without roommates, no offense to you.”

“Understandable,” Ella chuckled. “But, you know, my brother and his husband are looking to adopt—”

“Yeah, have they decided on foster care versus surrogacy? It’s a big cost difference.”

“No, not yet. But my mom says either way they should get life insurance. You should too.”

Shay hesitated. “Sounds expensive.”

“Everything sounds expensive to you. But seriously, she’s an actuary at a life insurance company, and she says that at our age, you could get a 20-year term policy for pretty cheap. Like a couple hundred dollars a year. You pay that every year for twenty years – basically until a kid goes to college or whatever –, and it covers your debt and any lost income, you know, just in case something happened. That way you can keep paying off your debt now but have the peace of mind that Rebecca and your kid are going to be okay even in the worst-case scenario.”

That was the first dollar number that didn’t have Shay clutching at their chest. “My kid,” Shay murmured. They liked the sound of that.

The next morning at the breakfast table, Shay put their hand on Rebecca’s and squeezed. Reading their mind, Rebecca murmured, “You knew what you were signing up for. Are you in this with me?” Shay let out a deep breath, and Rebecca teased, “Don’t seem so enthused! We’re just talking about a wonderful little child!”

“A little devil, more like, if they take after you,” Shay shot back. Then they smiled and admitted, “Alright, yes. Let’s do this thing.”

When Rebecca surprised Shay by proposing later that day, Shay reacted more appropriately: they gasped, beamed, and said ‘yes’ a million times.

The couple was pronounced ‘partners in life’ a few months after that and, amazingly, the first IVF cycle was a success. So one night, Shay sat down to fill out their life insurance application. They wrote their name, their phone number, their new townhouse address. And then came the dreaded two boxes-

Male or female.

Shay’s mind was jolted back to a feeling endured many times in their life: getting naked in front of other students in high school locker rooms, being asked to wear a dress to a cousin’s wedding, having periods until they got birth control, getting called a lesbian, being misgendered by family members who insisted ‘they’ was plural. Shay didn’t know that feeling was called dysphoria until they started reading the stories of others who felt the same way. Having a name for it made Shay feel a lot better, not to mention the immense relief of having the word ‘non-binary’, using ‘they/them’ pronouns, and finding a community online and in-person who related to and supported who Shay was. The diversity of gender was becoming more visible, more represented, and more accepted than ever before.

And yet, Shay was forced to take a deep breath, swallow their discomfort, and select a box that didn’t fit.

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The next time Shay was over at the house of their former roommate, Ella, Shay told her all about the experience. “I swear, I’ll always think I’ve seen the last of it. I survived middle and high school. My family has grown more accepting of me. I feel like myself now. I’ve, for the most part, grown accustomed to the little everyday discomforts of being misgendered or whatever else. But then something I’ll have never thought of comes up out of nowhere, and I spend the night bawling my eyes out.”

"I'm sorry; that sucks," Ella said. "You know, my mom's coming over later today, and she's an actuary. If you stay, you could see if maybe she'd have an explanation."

Shay nodded and looked around. "You gonna clean at all before then?"

"Ha!"

Ella's mom, Alice, came over for mid-afternoon coffee. They gathered in the quaint but sunlit kitchen, Shay and Alice at a small, round table and Ella scrambling to wash the coffee mugs she forgot were dirty.

Pleasantries came first. Alice had met Shay a few times and knew enough about them to ask about work, family, and Rebecca's due date.

Then down to business: "Ella said you had some questions about insurance?"

"Yes." Shay tugged on the collar of their shirt. "I was wondering about why life insurance premium rates are broken down by male and female."

"Oh. Uh, well—" Alice folded her hands in front of her. "Those rates are based on life expectancy. Life expectancy is longer for women, so they are charged less for life insurance, but they'd also get smaller payments for a lifetime income annuity. It all kinda evens out. And really gender hardly matters in the grand scheme of things. You know, when you account for smoking and health and occupation, other aspects of what we call underwriting. But Montana has unisex rates. They're the only ones."

Shay sat up in their chair. "Wait, really? Why do they have unisex rates?"

Alice's eyebrows furrowed. "I believe it was a big women's rights push in the 80s. Other states or at the federal level haven't gotten anywhere."

"But there's a precedent," Shay said with a rush of energy. "We could get it changed. Montana did it."

Alice shrugged. "I suppose, but I haven't heard much about it for years."

Ella had started the coffee maker and was leaning back against the sink. She eyed Shay and asked, "Well, what's your argument? Try to convince my mom."

"Argument, singular?" Shay huffed. "I've got three."

Ella pulled up a chair at the table. Then she nudged her mom and settled down on her elbows. "Ooh, this'll be good. Shay was in debate."

Shay cleared their throat. "Okay, let's ignore transgender people like me for a minute. Although I should probably first ask how sex is determined at your company."

"Well, I'm not an underwriter, but I believe it's whatever a person is assigned at birth."

Shay nodded. "That's what I figured. But sex is not binary; it's bimodal. There's a cluster we call male and a cluster we call female. On average, males and females tend to have certain chromosomes, external genitalia, gonads, hormones, etcetera. But there are also intersex people who are in between those clusters. They could have ambiguous genitals. They could have XXY chromosomes or just X. These people may get assigned girl or boy at birth but then identify as a different gender later. Doesn't that make a male-female binary on an insurance application a little murky?"

“That sounds pretty rare,” Alice replied.

“Depends on your definition of rare and your definition of intersex. I’ve seen anywhere from one in two thousand to one or two in a hundred. But either way, sex is more complicated than two boxes to choose from.”

“Sure, but it’s rare enough that I’m sure our underwriters could take that into consideration when labeling the contract. If someone was accidentally assigned female at birth and now identifies as male, you know, gotten surgery or whatever- he could get male rates.”

“Hm, okay. So, assuming an intersex person ends up identifying on the binary, the murkiness could be handled by your company. But I guess that leads to my second argument, which I’ll just start off with a few definitions to make sure we’re on the same page.” Shay defined transgender and gender dysphoria before continuing, “And let me be clear, you do not have to have gender dysphoria to be trans. But anyways, if you were in charge and you knew that I felt gender dysphoria when I have to check a box that doesn’t fit my identity, would you consider switching to unisex rates so I wouldn’t have to feel that way?”

Alice shifted weight. “That’s a tough way to put it, but I can’t say that’s going to convince many people. I mean, wear whatever you want, call yourself whatever you want, but it doesn’t change the fact that you’re likely to live longer than the average man and we should charge you less for life insurance.”

“Well, we could talk about the adverse effects of identifying as transgender on your health, but um, I just want to-” Shay lifted a finger and then set their hand back in their lap. “The phrase you just used: ‘Wear whatever you want.’ Etcetera. I’m just saying, it comes off as transphobic. You know, with your son, you’d probably hear something similar before someone starts saying something homophobic. Like ‘sleep with any consenting adult in your private home, but marriage is between a man and a woman.’ Being trans, being gay- it’s not a fashion choice or a sexual preference. And you can’t perfectly medically explain either of them. It’s just who you are.”

Alice apologized, which Shay quickly accepted. The awkwardness of confrontation was broken by the loud beeping of the coffee maker. Ella got up, filled three mugs, and the conversation resumed once everyone took their first sip.

Alice began again, “Unfortunately, I’m guessing you’re going to get a lot of, you know, what I just said and probably worse. I think people, including me, just don’t quite get it.”

“That’s okay,” Shay said. “I encourage you to keep asking questions and trying to understand. One thing that’s helpful to keep in mind is that it’s very easy to get lost in the semantics like what does it mean to be a man or a woman, but what we should focus on is equality for people who identify as transgender.”

Alice nodded. “But it’s going to sound like- I’m sorry to say this, but it’s still going to sound like you’re asking for a nationwide change in how we charge for life insurance because of hurt feelings. It’s just one checked box.”

Shay pursed their lips. “Okay. Well, speaking of equality, I do have a third argument. Um, what are some of the criteria for, um- underwriting you called it? What are some of the criteria for underwriting other than sex?”

“Smoking is a big one,” Alice said.

“Lifestyle,” Shay confirmed.

“Occupation-“

“Lifestyle.”

“Weight, credit, criminal history, health history-“

“Lifestyle, lifestyle, lifestyle, life- well, you could argue many pre-existing conditions are outside our control, but that’s for another day.”

Alice clarified, “Well, we do charge lower rates for, as an example, someone with anxiety-“ Shay raised their hand. “-who is taking medication.”

“Gotcha,” Shay said. “But ideally you don’t charge people for things they can’t control, like their skin color. Even though black people have lower life expectancies than white people who have lower life expectancies than Asian people, you can’t charge them differently. That would be illegal.”

“Not in all states, but essentially yes.”

“You can’t control your race, and you can’t control your gender. You can’t charge someone more for life insurance based on race, but you can with gender in every state but Montana. That doesn’t make sense to me.”

Alice was nodding. “I see your point.”

“So getting it changed would be a fight against sex discrimination and make insurance more welcoming to transgender people,” Shay said and then chuckled. “We get enough extra charges for our mental health history.”

“And surgery,” Alice added.

“If you choose to do so, yes. Not everyone does or can,” Shay clarified. “But, anyways, if we can get it changed, as you said, it’s not like women are going to get hurt across the board either, because you’d pay more for life insurance but get more from annuities.”

“Hm, yeah, I could see it,” Alice said. “I mean, it would have to be state level, or ideally federal. If only my company were to start using unisex rates, for example, the new life insurance premiums would be somewhere in between the current male and female rates, which would be more expensive for females. If other companies kept their sex-distinct rates, their premiums for women would be cheaper, so women would leave our company and go elsewhere for cheaper rates. Then we’re left with mostly men, who have worse mortality than the blend of men and women – unisex – that we priced for.”

“Okay, so Montana’s law but federal.”

“Yes, and there would have to be some amount of transition time. The most recent big change was called PBR; it was a new reserving method. They set a date, which was January 1st, 2020, and said by that time, you need to convert all of your products to the new reserving method. So for this, you’d set a date and every company would have to convert their products to unisex rates by that time. So, let’s see, it would cost insurance companies some time to reprice and refile-“ Alice thought for a moment as she

took a sip of coffee. “Get rid of some tables, no longer segregate BMI by sex, I guess, hm... But I think it would be for a good cause.”

“So you’re convinced?” Ella asked.

Alice nodded and smiled. “Yeah. But if you’re going to do this, you need *a lot* of support. I can talk to some people at my company and at the Society of Actuaries, but this legislation has been scuttled for decades. You’ll need women’s rights groups-“

“-and transactivists and the Twitter mob,” Ella continued. “You should start a YouTube channel! Go viral!”

Shay chuckled, but the wheels had started to turn in their head. If they could convince one person with a simple conversation, could they convince others?

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With a boost of motivated energy, Shay started their campaign. They came up with a law proposal that mirrored Montana’s. They started calling and emailing their congressional representatives. They spread the word to get others to do the same. They made a Facebook page, rebranded their Twitter and Instagram account, and reestablished their old YouTube channel from early college days. The most surreal experience was reading the comments on their YouTube videos from people who were inspired. The majority of Americans didn’t personally know a trans person. Shay was the first trans person that Shay knew. The internet, especially YouTube, was a powerful platform to find information and to connect with people.

Even so, Shay didn’t make any progress on their proposed law. And then the baby came. Shay got busy. They continued to grow their social media but at a snail’s pace. They didn’t have the time or luck with the algorithms to do any better. So nothing happened.

Then one day, Shay caught a lucky break and the subject of one of Shay’s critical YouTube video series, “Billy Short’s BS”, reached out. Billy Short was a political commentator, and he wanted Shay to debate with him on a live stream. Shay immediately agreed.

After Billy’s announcement of the upcoming debate, Rebecca interrupted Shay’s intense preparation at the computer. “I don’t know about this,” she said with a hand on Shay’s shoulder. “I’m already seeing the comments flooding in on your videos from Billy’s fans. They’re just- they’re cruel.”

“It’s just trolls,” Shay state. “I’ve had mean comments before.”

“Not on this scale. The more attention you get, the more scrutiny you get. Are you sure you can handle this?”

“This could by my opportunity, the only opportunity,” Shay insisted. “If I’m prepped and I believe what I’m saying, I can ignore people who are just saying things to be mean.”

“Okay.” Rebecca hesitated. “Just make sure while you’re prepping an argument, you also prep some protection for yourself.”

“I will.”

Shay watched every video of Billy's they could find, learning his points and coming up with clear and concise counterarguments. When the day came for the live debate, Shay was confident that open-minded viewers would find Shay's opinions more persuasive.

The debate went well for a while. Shay found Billy pretty respectful, and the two sides had room and few interruptions to share their views. Then the Q&A section of the debate started, and Shay turned their attention to the comments flying by on the side of the screen.

As Billy picked a question to discuss, Shay was distracted by a sudden burst of links to Twitter claiming to be old photos of Shay from Facebook. Shay's heart dropped in their chest. They had purged their Facebook of old photos long ago but could only untag themselves from photos others had posted. These people had been *digging*.

Billy was talking, but his voice was muffled to Shay's ears. Shay clicked on a link. To their utter shock and horror, it was a photo of Shay as a middle schooler at a soccer team pool party. Shay was instantly transported back to the moment. They were wearing an oversized t-shirt over a sports bra, an outfit they expected to swim in. But a team picture was called for by the parents, and one parent offered to take Shay's t-shirt and towel for them to place on a nearby table. Shay found themselves unable to say, "No, I was planning on keeping the t-shirt on." So they took it off, wrapped their arms tightly around them, and shuffled to the far side of the line of teammates. The first picture was bad enough, but for the second picture, the team decided to do the classic 'goofy poses while jumping into the pool.' Shay participated with as much fervor as they could muster, raising their hands high in the air during the leap towards the water. The picture snapped, and the parents laughed at their happy children all together in the pool. It wasn't until the next day when the photo was posted all over Facebook that Shay and everyone else saw Shay's unshaven armpits on full display. Teasing and humiliation followed for weeks. It was Shay's earliest memory of feeling like an outcast and having utter loathing for the constraint society put on their body.

The awful memories blurred together with the new comments popping up every few seconds. "What an ugly girl." "No wonder he wants to be a man now." Deadnaming and misgendering were the least of the insults. Shay's eyes started to well with tears, and they quickly x-ed out of Twitter.

Meanwhile, Billy was still talking. And the tears kept coming.

Billy suddenly stopped, just as Shay's eyes darted to the comments again, which were hardly readable given so many were being posted all at once. The ones that registered in Shay's brain broke the last of their composure, and they started to cry on camera.

Rebecca, who had been watching in the other room, rushed in. She said, "Thanks, Billy. That will be all." Then she closed out of the livestream. She comforted Shay until their child needed attention, but Shay was broken for days. They turned off their phone and left it in a dark corner of their closet. They only went on their laptop for work and avoided the news. One day Shay saw a quick glimpse of YouTube before Rebecca slammed her laptop shut. Shay saw their crying face on the thumbnails for several videos of the livestream called: "Billy Short destroys transactivist snowflake." At least Shay could chuckle about the titles.

After some time, Shay came back to the internet, and what they came back to was more subscribers, more views, and more kind comments, DMs, and emails than they had ever received. People thought

Shay won the debate. People thought it was disgusting what trolls could dig up. People supported what Shay was fighting for.

Shay decided they had the energy for one last big push. They created an Instagram post of information people could swipe through, they started a hashtag, and they released a short, raw video.

In the video, Shay sat in front of a blank wall and said, “I know you probably hear this a lot from millennials, but I want to make a difference. I’ve come to appreciate the little ways I can boost people around me: holding the door open, giving genuine compliments, donating and volunteering, reaching out, listening, cooking someone a meal, and so many other things. And all those, of course, make a difference, no matter how small. But we all dream of doing something a little bigger, something that fits our grandiose definition of a legacy. I found that something, and it seems so simple in my head that I’m surprised it hasn’t been done before. I understand that building gender neutral bathrooms is expensive. I understand that sports are complicated. What I don’t understand is why we still use male and female rates in life insurance. Biological sex is more complicated than a binary, you can’t discriminate against other primary characteristics over which we have no control, and you’ll remove one more obstacle to political equality for transgender people, which in this case is simply the right to fill out an insurance application without having to check a box that doesn’t fit. If you, like me, think that’s worth fighting for, write to your congressional representatives with the outline I have linked below. Let’s make a difference together.”

After Shay’s final push, they finally had the numbers and momentum to inspire one of their congressional representatives to write a bill. After that, other parties got involved, and Shay could step away from internet campaigning to spend more time with their family.

During that time, Shay kept track of the bill’s progress. Despite the odds, they watched as the bill got proposed, went to committee, was debated and passed in the House, moved to the Senate, went to committee again, and reached the Senate floor.

Shay, Rebecca, and their child snuggled together on the couch to watch the Senate debate live. “I can’t believe it’s actually gotten this far,” Rebecca murmured, stroking her child’s hair.

“Doesn’t mean it won’t die right here,” Shay mumbled. They cleared their throat and squeezed Rebecca’s hand. “Sorry, positive thoughts.”

Shay’s stomach was in knots as each senator had the chance to talk. Most of the arguments were familiar to Shay at that point. One senator listed other unisex legislation, such as auto insurance in five US states and employee pension plans at most American companies. Another senator proclaimed that individuals should be their own costs and warned about slippery slopes.

Then a senator from Montana took the stage. “I wasn’t involved in politics when the Montana unisex legislation was passed, but I absolutely agree with the reasoning behind it,” he said. “What we’re talking about is the value of providing for someone who relies on you, not the cost. I’ll give you a simple example. Me and my wife each buy a life insurance policy for same price, let’s say \$10,000. I might be expected to live another 35 years, so my policy would be worth, let’s say \$80,000 – that would be the face amount that I could buy. My wife, on the other hand, would be expected to live another 40 years, so her policy would be worth \$100,000. So if I died tomorrow, my wife would get \$80,000. If she died tomorrow, I would get \$100,000. For the same price, my wife gets less. On top of that, let’s say I or my

wife decides to use the proceeds to buy an annuity that would give us lifetime income. Now I have the cheaper premium, so I'd be able to get \$8,000 a year for the rest of my life. But if I passed, my wife would get \$5,000 a year for the rest of her life. So my wife would receive less on my passing and would use that smaller amount to get even less in annuity income. A double whammy. Very different circumstances for the same amount of money in the beginning, and I haven't been able to provide for my wife as much as I would get myself. Now, there's obviously ways a couple could work this out. Both put in our \$10,000 and figure out the ratio of how much money we use to buy my contract versus hers—" He swiped at the air dismissively. "People aren't going to do that. With the unisex pricing Montana has, you don't have to worry about that. We could buy the same amount of coverage and end up with the same annual income, no finagling necessary. And that's just one example of a married man and woman. If you're talking about buying life insurance for a child or a business partner, it makes even less sense to have to work gender into the picture. Anyways, bottom line, I want to provide for my wife what she can provide for me."

"Dang," Rebecca said, which prompted their child to declare boredom. While Rebecca remedied the boredom, Shay continued to watch the debate, enthralled.

The debate continued for a long while. Eventually, Rebecca rejoined Shay on the couch and the couple curled up together. Finally, it was time to vote.

As the 'yea's and 'nay's were announced, Rebecca tugged on Shay's shaking hand. Once she had Shay's attention, she looked her straight in the eye and whispered, "No matter what happens, I'm proud of you."

The corners of Shay's mouth lifted. "Thank you," they whispered back.

In the midst of the fluttering nerves, Shay was able to close their eyes, snuggle closer, and feel a moment of peace.